

111TH CONGRESS  
2D SESSION

# S. 3515

To authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 21, 2010

Mrs. SHAHEEN (for herself, Mr. UDALL of Colorado, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Department of the In-  
5       terior Research and Technologies for Oil Spill Prevention  
6       and Response Act of 2010”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to maintain and enhance  
3 the world-class research and facilities of the Department  
4 of the Interior and to ensure that there is adequate knowl-  
5 edge, practices, and technologies to detect, respond to,  
6 contain, and clean up oil spills occurring on Federal land  
7 managed by the Department of the Interior, whether on-  
8 shore or on the outer Continental Shelf.

9 **SEC. 3. DEFINITIONS.**

10       In this Act:

11           (1) BOARD.—The term “Board” means the  
12 Science and Technology Advisory Board established  
13 under section 5(a).

14           (2) FUND.—The term “Fund” means the Oil  
15 Spill Technology and Research Fund established by  
16 section 13(a).

17           (3) PROGRAM.—The term “program” means  
18 the program established under section 4(a).

19 **SEC. 4. AUTHORIZATION OF DEPARTMENT OF THE INTE-**  
20 **RIOR OIL SPILL RESEARCH AND DEVELOP-**  
21 **MENT PROGRAM.**

22       (a) IN GENERAL.—The Secretary shall carry out a  
23 program of research, development, technology demonstra-  
24 tion, and risk assessment to address issues associated with  
25 the detection of, response to, and mitigation and cleanup  
26 of oil spills occurring on Federal land managed by the De-

1 partment of the Interior, whether onshore or on the outer  
2 Continental Shelf.

3 (b) SPECIFIC AREAS OF FOCUS.—The program shall  
4 include research, development, demonstration, validation,  
5 personnel training, and other activities relating to—

6 (1) technologies, materials, methods, and prac-  
7 tices—

8 (A) to detect the release of hydrocarbons  
9 from leaking exploration or production equip-  
10 ment;

11 (B) to characterize the rates of flow from  
12 leaking exploration and production equipment  
13 in locations that are remote or difficult to ac-  
14 cess;

15 (C) to protect the safety of workers ad-  
16 dressing hydrocarbon releases from exploration  
17 and production equipment;

18 (D) to contain, respond to, and clean up  
19 oil spills, including with the use of dispersants,  
20 containment vessels, booms, and skimmers, par-  
21 ticularly under worst-case release scenarios;

22 (E) to contain, respond to, and clean up  
23 an oil spill in extreme or harsh conditions on  
24 the outer Continental Shelf; and

1 (F) for environmental assessment, restora-  
2 tion, and long-term monitoring;

3 (2) fundamental scientific characterization of  
4 the behavior of oil and natural gas in and on soil  
5 and water, including miscibility, plume behavior,  
6 emulsification, physical separation, and chemical and  
7 biological degradation;

8 (3) behavior and effects of emulsified, dis-  
9 persed, and submerged oil in water; and

10 (4) modeling, simulation, and prediction of oil  
11 flows from releases and the trajectories of releases  
12 on the surface, the subsurface, and in water.

13 **SEC. 5. SCIENCE AND TECHNOLOGY ADVISORY BOARD.**

14 (a) IN GENERAL.—The Secretary shall enter into ap-  
15 propriate arrangements with the National Academy of  
16 Sciences to establish an independent committee, to be  
17 known as the “Science and Technology Advisory Board”,  
18 to provide scientific and technical advice to the program,  
19 including—

20 (1) the identification of knowledge gaps that  
21 the program should address;

22 (2) the establishment of scientific and technical  
23 priorities; and

1           (3) an annual review of the results and effec-  
2           tiveness of the program, including successful tech-  
3           nology development.

4           (b) REPORTS.—Reports and recommendations of the  
5           Board shall promptly be made available to Congress and  
6           the public.

7           **SEC. 6. RESEARCH AND TECHNOLOGY PLAN.**

8           (a) IN GENERAL.—Not later than 1 year after the  
9           date of enactment of this Act, and every 2 years there-  
10          after, the Secretary, in consultation with the Board, shall  
11          develop and publish a research and technology plan for  
12          the program.

13          (b) CONTENTS.—The plan under this section shall—

14                (1) identify research needs and opportunities;

15                (2) propose areas of focus for the program;

16                (3) establish program priorities, including prior-  
17                ities for the research centers of excellence under sec-  
18                tion 7, demonstration projects under section 8, and  
19                research grants under section 9; and

20                (4) estimate—

21                        (A) the extent of resources needed to con-  
22                        duct the program; and

23                        (B) timetables for completing research  
24                        tasks under the program.

1 (c) PUBLICATION.—The Secretary shall timely pub-  
2 lish—

3 (1) the plan under this section; and

4 (2) a review of the plan by the Board.

5 **SEC. 7. RESEARCH CENTERS OF EXCELLENCE.**

6 (a) RESPONSE TECHNOLOGIES FOR DEEPWATER,  
7 ULTRA DEEPWATER, AND OTHER EXTREME ENVIRON-  
8 MENT OIL SPILLS.—

9 (1) ESTABLISHMENT.—The Secretary shall es-  
10 tablish at 1 or more institutions of higher education  
11 a research center of excellence for the research, de-  
12 velopment, and demonstration of technologies nec-  
13 essary to respond to, contain, mitigate, and clean up  
14 deepwater, ultra deepwater, and other extreme envi-  
15 ronment oil spills.

16 (2) GRANTS.—The Secretary shall provide  
17 grants to the research center of excellence estab-  
18 lished under paragraph (1) to conduct and oversee  
19 basic and applied research in the technologies de-  
20 scribed in that paragraph.

21 (b) OIL SPILL RESPONSE AND RESTORATION.—

22 (1) ESTABLISHMENT.—The Secretary, in co-  
23 ordination with the Undersecretary of Commerce for  
24 Oceans and Atmosphere, shall establish at 1 or more  
25 institutions of higher education a research center of

1       excellence for research and innovation in oil spill  
2       fate, behavior and effects, and damage assessment  
3       and restoration.

4           (2) GRANTS.—The Secretary shall provide  
5       grants to the research center of excellence estab-  
6       lished under paragraph (1) to conduct and oversee  
7       basic and applied research in the areas described in  
8       that paragraph.

9       (c) OTHER RESEARCH CENTERS OF EXCELLENCE.—  
10      The Secretary may establish such other research centers  
11      of excellence as the Secretary determines to be necessary  
12      for the research, development, and demonstration of tech-  
13      nologies necessary to carry out this Act.

14      **SEC. 8. DEMONSTRATION PROJECTS.**

15       (a) IN GENERAL.—In carrying out the program, the  
16      Secretary shall conduct deepwater, ultra deepwater, and  
17      other extreme environment oil spill response demonstra-  
18      tion projects for the purpose of developing and dem-  
19      onstrating new integrated deepwater oil spill mitigation  
20      and response systems that use the information and imple-  
21      ment the improved practices and technologies developed  
22      from the program.

23       (b) REQUIREMENTS.—The mitigation and response  
24      systems developed under subsection (a) shall use tech-

1 nologies and management practices for improving the re-  
2 sponse capabilities to deepwater oil spills, including—

3 (1) improved oil flow monitoring and calcula-  
4 tion;

5 (2) improved oil spill response capability;

6 (3) improved subsurface mitigation tech-  
7 nologies;

8 (4) improved capability to track and predict the  
9 flow and effects of oil discharges in both subsurface  
10 and surface areas for the purposes of making oil  
11 mitigation and response decisions; and

12 (5) any other activities necessary to achieve the  
13 purposes of the program.

14 **SEC. 9. RESEARCH GRANTS.**

15 In carrying out the program, the Secretary may  
16 award competitive grants in coordination with research  
17 centers of excellence under section 7 and consistent with  
18 the research and technology plan under section 6 to insti-  
19 tutions of higher education or other research institu-  
20 tions—

21 (1) to carry out projects that are relevant to the  
22 goals and priorities of the research and technology  
23 plan; and—

24 (2)(A) to advance research and development; or

25 (B) to demonstrate technologies.



1 **SEC. 10. PILOT PROGRAMS FOR FIELD TESTING TECH-**  
2 **NOLOGIES.**

3 (a) IN GENERAL.—The Secretary, in coordination  
4 with the Administrator of the Environmental Protection  
5 Agency, shall conduct a pilot program to conduct field  
6 tests on new oil spill response, mitigation, and cleanup  
7 technologies developed under the program in the waters  
8 of the United States.

9 (b) RESULTS.—The results of the field tests con-  
10 ducted under subsection (a) shall be used—

11 (1) to refine oil spill technology research and  
12 development; and

13 (2) to assist the Secretary and the Adminis-  
14 trator of the Environmental Protection Agency in  
15 the development of safety and environmental regula-  
16 tions under this Act and other applicable laws.

17 **SEC. 11. PEER REVIEW OF PROPOSALS AND RESEARCH.**

18 (a) IN GENERAL.—Any award of funds under the  
19 program shall be made only after the Secretary has car-  
20 ried out an impartial peer review of the scientific and tech-  
21 nical merit of the proposals for the award.

22 (b) REQUIREMENTS.—The Secretary shall ensure  
23 that any research conducted under the program shall be  
24 peer-reviewed, transparent, and made available to the pub-  
25 lic.

1 **SEC. 12. COORDINATION WITH OTHER AGENCIES.**

2 (a) IN GENERAL.—In carrying out this Act, the Sec-  
3 retary shall consult and coordinate, as appropriate, with  
4 other Federal agencies and programs, including the Inter-  
5 agency Coordinating Committee on Oil Pollution Research  
6 established under section 7001 of the Oil Pollution Act  
7 of 1990 (33 U.S.C. 2761).

8 (b) RESPONSIBILITY OF THE SECRETARY.—Notwith-  
9 standing any requirements to consult or coordinate, the  
10 Secretary shall maintain authority, direction, and control  
11 of the program.

12 **SEC. 13. OIL SPILL TECHNOLOGY AND RESEARCH FUND.**

13 (a) ESTABLISHMENT.—There is established in the  
14 Treasury of the United States a revolving fund, to be  
15 known as the “Oil Spill Technology and Research Fund”,  
16 consisting of such amounts as are transferred to the Fund  
17 under subsection (b), to be administered by the Secretary,  
18 to be available without fiscal year limitation and not sub-  
19 ject to appropriation, to carry out the program.

20 (b) TRANSFERS TO FUND.—From any Federal royal-  
21 ties, rents, and bonuses derived from Federal onshore and  
22 offshore oil and gas leases issued the Outer Continental  
23 Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Mineral  
24 Leasing Act (30 U.S.C. 181 et seq.) that are deposited  
25 in the Treasury, and after distribution of any funds de-  
26 scribed in subsection (c), there shall be transferred to the

1 Fund \$25,000,000 for each of fiscal years 2010 through  
2 2020, to remain available until expended.

3 (c) PRIOR DISTRIBUTIONS.—The distributions re-  
4 ferred to in subsection (b) are those required by law—

5 (1) to States and to the Reclamation Fund  
6 under section 35(a) of the Mineral Leasing Act (30  
7 U.S.C. 191(a)); and

8 (2) to other funds receiving amounts from Fed-  
9 eral oil and gas leasing programs, including—

10 (A) any recipients pursuant to section 8(g)  
11 of the Outer Continental Shelf Lands Act (43  
12 U.S.C. 1337(g));

13 (B) the land and water conservation fund,  
14 pursuant to section 2(c) of the Land and Water  
15 Conservation Fund Act of 1965 (16 U.S.C.  
16 460l–5(c));

17 (C) the Historic Preservation Fund, pursu-  
18 ant to section 108 of the National Historic  
19 Preservation Act (16 U.S.C. 470h); and

20 (D) the coastal impact assistance program  
21 established under section 31 of the Outer Conti-  
22 nental Shelf Lands Act (43 U.S.C. 1356a).

23 (d) PROHIBITION.—Amounts in the Fund may not  
24 be made available for any purpose other than a purpose  
25 described in subsection (a).

1 (e) ANNUAL REPORTS.—

2 (1) IN GENERAL.—Not later than 60 days after  
3 the end of each fiscal year beginning with fiscal year  
4 2010, the Secretary shall submit to the Committee  
5 on Appropriations of the House of Representatives,  
6 the Committee on Appropriations of the Senate, the  
7 Committee on Energy and Natural Resources of the  
8 Senate, and the Committee on Natural Resources of  
9 the House of Representatives a report on the oper-  
10 ation of the Fund during the fiscal year.

11 (2) CONTENTS.—Each report shall include, for  
12 the fiscal year covered by the report, the following:

13 (A) A statement of the amounts deposited  
14 into the Fund.

15 (B) A description of the expenditures made  
16 from the Fund for the fiscal year, including the  
17 purpose of the expenditures.

18 (C) Recommendations for additional au-  
19 thorities to fulfill the purpose of the Fund.

20 (D) A statement of the balance remaining  
21 in the Fund at the end of the fiscal year.

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